

### **REMARKS**

Claims 1-3, 5, 7-10, 12, 13 and 15-19 are pending in this application. By this amendment, claims 1, 10 and 16 are amended. No new matter is added. Reconsideration and allowance of this application are respectfully requested.

### **ENTRY OF AMENDMENT AFTER FINAL REJECTION**

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application for condition for allowance for the reasons discussed herein; b) do not present any additional claims without canceling the corresponding number of final rejected claims; and c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

### **EXAMINER'S INTERVIEW**

Applicants appreciate the telephonic interview with Applicants' representative conducted on December 8, 2005.

During the interview, Applicants' representative asserted that Hunzinger, U.S. Patent App. Pub. No. 2002/0045443 fails to disclose or suggest "activating the call recovery timer includes monetary during the current communication channel while establishing a new communication channel", as recited in claim 1. However, the Examiner was unresponsive and stated that Hunzinger teaches the claimed invention as broadly recited. The Examiner stated that he will continue to maintain his rejection.

Applicants' representative then argued that Hunzinger fails to disclose or suggest "resetting the call recovery timer if good frames are received on the current communication channel", as found in paragraph [0030] in the instant specification. The Examiner appeared receptive to this assertion, but stated that further search and consideration will be performed to determine whether the above proposed Amendment will place the application in condition for allowance.

**CLAIM REJECTIONS - 35 U.S.C. § 102**

Claims 1-3, 7-10 and 15-19 are rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Pat. App. Pub. No. 2002/0045443 to Hunzinger. This rejection is respectfully traversed.

Applicants submit that Hunzinger fails to disclose or suggest, *inter alia*, “resetting the call recovery timer if good frames are received on the current communication channel”, as recited in claims 1 and similarly recited in claims 10 and 16.

Paragraph [0026] of Hunzinger discloses:

If it is then unable to receive  $N_{3m}$  (=2) consecutive good frames before a fade timer after  $T_{5m}$  (=5) seconds, the MS drops the connection 54.

Applicants submit that Hunzinger discloses that the call recovery is dropped, rather than resetting the call recovery timer (e.g., Hunzinger establishes a new communication channel when the call recovery timer is dropped). Accordingly, Hunzinger fails to disclose or resuggest setting the call recovery timer if good frames are received on the current communication channel, as recited in claim 1 and similarly recited in claims 10 and 16.

Applicants submit that claims 1, 10 and 16 are allowable. Claims 2, 3, 7-9 15 and 17-19 are also allowable due to their dependency on either claims 1, 10 or 16. Withdrawal of this rejection is respectfully requested.

**CLAIM REJECTIONS - 35 U.S.C. § 103**

Claims 5 and 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hunzinger in view of U.S. Pat. App. Pub. No. 2002/00650802 to Pittampalli et al. (hereinafter “Pittampalli”). This rejection is respectfully traversed.

As discussed above, Hunzinger fails to disclose or suggest the claimed invention as found in claims 1 and 10, the independent claim from which the rejected claims depend.

Further, Pittampalli fails to overcome the noted deficiencies of Hunzinger. Thus, it is respectfully requested that the rejection be withdrawn.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

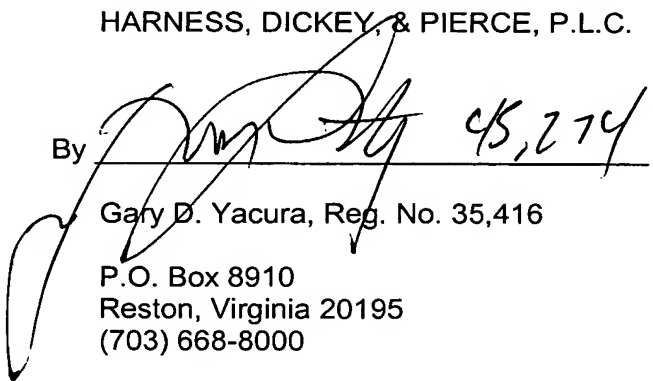
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

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